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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**REPLY BRIEF**

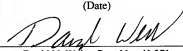
Applicant : Bezos et al.
App. No : 09/715,929
Filed : November 17, 2000
For : METHODS AND SYSTEMS FOR
PROCESSING DISTRIBUTED
FEEDBACK
Examiner : Susanna M. Meinecke Diaz
Art Unit : 3623

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REPLY BRIEF

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This Reply Brief is responsive to the Examiner's Answer issued on June 21, 2007, and supplements the arguments made in Appellants' Appeal Brief. Because the Examiner's Answer does not raise new issues with respect to many of the rejected claims, this Reply Brief only discusses some of the appealed claims. A request for a telephonic oral hearing is being submitted with this Reply Brief.

1. Rejection of Claims 1-11 and 19 under 35 U.S.C. § 103(a)

Claims 1-11 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a collection of Epinions.com articles, including "Home, Netscape, Yahoo! Veterans Announce Epinions.com" (July 12, 1999), "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions" (September 8, 1999) (herein after, "Epinions Announces"), Barrett, "What's Your Opinion?" (September 13, 1999), Tedeschi, "Consumer Products are Being

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Reviewed on More Web Sites, Some Featuring Comments From Anyone With an Opinion” (October, 25, 1999), Wohl, “User Review – Your Opinions Are Highly Valued on the Web” (November 8, 1999), collectively referred to as “Epinions” or the “Epinions articles”, in view of a collection of eBay articles, including “eBay Launches the Most Comprehensive Trust and Safety Upgrades to the World’s Largest Person-to-Person Trading Site” (January 15, 1999) (hereinafter “eBay Launches”), Lenatti, “Auction Mania” (July 1999), and eBay’s Feedback Forum web site (hereinafter “eBay Forum”), archived on October 12, 1999 by web.archive.org, collectively referred to as “eBay” or the “eBay articles”.

Independent Claim 1

In the Appeal Brief, Appellants argued that Epinions, modified by eBay as proposed by the Examiner, does not teach or suggest the following limitations of Claim 1 in the context of the other limitations of the claim: “tallying votes received for a plurality of reviews authored by the first customer to provide a total tally, the total tally including votes received for the product review, assigning a designation to the first customer based on the total vote tally for the plurality of reviews authored by the first customer; and displaying the designation in association with the product review”.

The Examiner’s Answer admits that Epinions fails to disclose the foregoing elements but points to eBay’s disclosure regarding ratings of sellers, which provides a safety mechanism for online transactions. The Examiner Answer, at page 15, asserts that that both eBay’s Feedback Forum and Epinions.com are both directed to promoting a sense of trust among members of its online community, and that it would have been obvious to modify Epinions with eBay to teach the recited claim language in order to further promote a sense of trust among Epinions.com’s members by more precisely conveying feedback regarding past experiences with a particular member of the Epinions.com community.

However, there is no indication in Epinions that it is trying to promote a sense of trust as promoted by eBay (whose goal is to “promote safe online trading as well as protect the community from fraud.” (“eBay Launches”, ¶ 5)). Indeed, there does not appear to be a disclosure that users of the Epinions Web site are using the Web site to sell items to each other. Thus, the safe online trading that eBay is attempting to engender is not relevant to Epinions.

Rather than trying to promote safe online trading as promoted by eBay, Epinions is directed to attempting to indicate whether a particular review is useful. For example, a review may not be useful (e.g., not very informative) but may still be trustworthy. By way of illustration, a user can review an item with a one word review (e.g., “great” or “terrible”), which a reader may rate as not useful because it does not provide a detailed explanation, even if the review appears trustworthy.

Thus, the statement at page 16 of the Answer “eBay provides a trust-increasing solution that is reasonably pertinent to bolstering trust in the Epinions community” appears to rely on a

mischaracterization of Epinions and the general goals of voting regarding the usefulness of reviews as opposed to rating buyers and sellers in online trading to enhance safety. eBay is not relevant to the particular problem of evaluating the usefulness of product reviews.

The Examiner argues that a fair reading of the general teachings of eBay as opposed to very limited readings of the specific embodiments of eBay is what should be taken from the eBay references. However, as noted in Appellants' Appeal Brief, eBay's teaching, that if a comment is not regarding an eBay transaction the comment is not counted, emphasizes the inapplicability of eBay to Epinions and to tallying votes regarding reviews.

Indeed, eBay, which teaches that while comments that are not regarding a transaction may be provided, further teaches that if the comment is not regarding an eBay transaction (e.g., buying and selling of items between users) it is not counted (see, eBay Forum, page 1). Therefore, eBay teaches away from the tallying of the useful/not useful review votes of Epinions. Further, if Epinions were modified by the teachings of eBay, it would cause the review rating system of Epinions to be inoperable, as the useful/not useful review votes for a given review would not be counted. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984); M.P.E.P. § 2141.02. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994); see *KSR*, 127 S. Ct. at 1739-40 (explaining that when the prior art teaches away from a combination, that combination is more likely to be nonobvious). Additionally, a reference may teach away from a use when that use would render the result inoperable. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1354 (Fed. Cir. 2001). Thus, a fair reading of eBay would lead one away from modifying Epinions with the teaching of eBay to provide the invention as claimed.

Because eBay does not teach or suggest evaluating reviews, let alone tallying evaluations for a plurality of reviews from a first customer, and because eBay teaches away from counting evaluations in a tally if the evaluations are not related to an online purchase/sale transaction,

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there is no explicit or implicit suggestion or motivation to combine the eBay with Epinions as proposed by the Examiner.

Further, Appellants respectfully maintain that the general scope of eBay, which is directed to the promotion of safe online trading using ratings of buyers by sellers and the ratings of sellers by buyers with respect to eBay transactions, is outside the pertinent field of endeavor, and is not relevant to the particular problem of evaluating the usefulness of product reviews.

For at least these reasons, the obviousness rejections of Claims 1-11 are therefore improper.

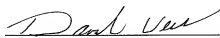
Independent Claim 19

With respect to Claim 19, the Examiner stated that the Examiner's response applied to Claim 19 as well. Claim 19 refers to tallying evaluations for a plurality of reviews from at least a first customer to provide a combined tally for the evaluations, and further refers to transmitting information related to the evaluations and the combined tally for display in association with the product review. As discussed above with respect to Claim 1, because eBay does not teach or suggest evaluating reviews, let alone tallying evaluations for a plurality of reviews from a first customer, and because eBay teaches away from using evaluations in a tally if the evaluations are not related to online trade, there is no explicit or implicit suggestion or motivation to combine eBay with Epinions as proposed by the Examiner.

For at least these reasons, the obviousness rejection of Claim 19 is therefore improper.

CONCLUSION

For the reasons set forth above, Appellants respectfully submit that the rejections of Claims 1-11 and 19 are improper, and requests that these rejections be reversed.



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